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C O N F I D E N T I A L SECTION 01 OF 02 AMMAN 001697

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SUBJECT: SUCCESS WITH JORDAN COPYRIGHT LAW, CENSORSHIP FEES, IPR CONFERENCE

REF: A. 04 AMMAN 6508

¶B. 04 AMMAN 2574 AND PREVIOUS

Classified By: CDA DAVID HALE FOR REASONS 1.4 (B) AND (D)

¶1. (SBU) SUMMARY: Jordan's parliament has approved new copyright legislation, and we expect King Abdullah to sign it into law soon. Censorship fees (ref A) are also reportedly to be restructured shortly, using a formula acceptable to key IPR supporters in private industry. Finally, a MEPI-sponsored conference held by the U.S. Patents and Trademark Office (USPTO) successfully brought together ten Arab nations to work on IPR enforcement. These three accomplishments, combined with a program to enhance IPR awareness among officials and the public, mark a major step forward for intellectual property rights in Jordan. END SUMMARY.

Copyright Law Proponents Overcome "Traditional" Lobbyists

¶2. (SBU) Since parliament reconvened December 1, GOJ officials had had to manage the passage of copyright law amendments through the lower and upper houses and back to the lower house for final agreement, according to National Library Director Mahmoud Talhouni. (NOTE: The National Library is the GOJ focal point on IPR issues and the location of an IPR enforcement unit. END NOTE) The final hurdle was passed Feb 15, after a mischievous clause on "commercial use" was finally stripped from the amendments package, which the lower house accepted, Talhouni said. The legislation will now be forwarded to the King for his signature and will become law 30 days after its publication in the official gazette.

¶3. (C) COMMENT: Embassy through repeated queries and letters to the Prime Minister and two successive GOJ Industry and Trade ministers, the Justice Minister and the Culture Minister, had urged speedy passage of these copyright amendments. The new copyright law is the result of a few dedicated GOJ officials fighting against a volatile group of pirates with vested interests. When the copyright amendments were first discussed last June, the government was pilloried by MPs for several days (widely covered in the Arabic press) because of its right under the law to enter any premises in Jordan to investigate IPR violations. According to knowledgeable sources, it was those store owners who stock pirated DVDs and software who led the charge last summer, making private appeals to their parliamentary representatives and orchestrating the press campaign. The Islamic Action Front also emphasized the effect of the improved copyright law on the "little guy." Facing these political obstacles, GOJ officials from the Trade Minister to the Justice Minister to the National Library Director, did not raise the proposed amendments' compliance with the Free Trade Agreement, but rather referred to international commitments and the general principle of IPR protections. END COMMENT.

Censorship Fees to be Revamped

¶4. (SBU) The high censorship fees imposed by the GOJ last April, which only encouraged more piracy (ref A), will be reduced dramatically, according to key industry sources and the Jordan Intellectual Property Association (JIPA). At mid-February, JIPA's Murad Bushnaq (who is a leading distributor of Time-Warner products in Jordan) noted that he had positive talks about fee reductions with the head of the agency imposing censorship fees, Mr. Hussein Bani-Hani of the Audiovisual Commission. While the issue had not been finally settled, Bushnaq said the AV commission would have a fixed-fee structure that he described as an "excellent resolution." The fee would be tiered by the volume of the DVDs or audiocassettes, he said, noting the fee could range from three dinars to a maximum of 30 dinars for a single title. Under the old percentage system, there was no upper limit; for example, a shipment of 1000 DVDs would have cost a censorship fee of more than USD \$850.

¶5. (C) Bani-Hani is reportedly still consulting with

industry leaders and other government officials. According to Talhouni, an Investment Committee of the cabinet was helpful in pushing this issue along. (COMMENT: Charge raised this issue with the Ministers of Culture, Finance, and Industry and Trade, following up with a letter, and Emboffs had called on Bani-Hani to reiterate the importance of rationalizing censorship fees. END COMMENT.)

MEPI-supported IPR Conference; Public Awareness Campaign

16. (SBU) A USPTO-sponsored regional conference on border enforcement of IPR, held in Amman February 15-16 was praised by the JIPA chief operating officer who attended the conference. Customs officials from ten Arab nations attended, including ten Jordanian enforcement officials. A number of presenters from the private sector -- either affected industries or attorneys -- also attended. The JIPA representative said that the public-private mix sparked lively debates and constructive suggestions on the best way forward with IPR enforcement. Nine other nations -- from Morocco to Oman -- turned to Jordan to explain its experience in IPR enforcement, she noted. In addition to National Customs and Aqaba Special Zone customs officials, GOJ representation included the National Library enforcement team and the Customs Anti-Smuggling Unit.

17. (SBU) National Library Director Talhouni noted that he would soon be working full tilt on an IPR public awareness campaign with the USAID-funded Achievement of Market-Friendly Initiatives and Results Program (AMIR) program. He was hoping to recruit more of the writers, artists, and musicians who remained silent during the parliamentary debate on the copyright law, he said. Part of the problem was Jordanian technical experts' inability to communicate clearly with even educated generalists, he noted: one parliamentary committee declined to approve protections of "audio digital" transmissions of performances because the members did not know what the term meant. After Talhouni produced an audio engineer to explain, the amendment passed. The public awareness campaign Talhouni is launching also includes workshops and seminars for the legal and judicial community, many under the sponsorship of USAID. Additionally, USAID has signed an interagency agreement with the USPTO for direct technical assistance in IPR enforcement.

Jordan IPR Protections Strengthened

18. (SBU) COMMENT: Between success in parliament and in reversing fees harmful to IPR, and with the increasing influence of market-friendly groups such as the Investment Committee, the GOJ is demonstrating a strong commitment to IPR protections, even in the face of lobbyists for the old ways of doing things. Jordan also continues to support IPR efforts at the regional level. Next steps here include concentrating on implementing patents and trademarks conventions - the AMIR program has devised a program this spring to enhance those measures. In addition, Jordan is sending four officials from its Patents and Marks Office to the USPTO Visiting Scholars workshop this April.
HALE